

REMARKS

After the above amendments, Claims 1-3, 6, 11-13, 16-18, 20 and 22-31 are pending.

Claims 13-17 and 23-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 18, 20, 22-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,486,920 to Arai et al. ("Arai") in view of U.S. Patent Application Publication No. 2003/0195863 to Marsh, and in view of U.S. Patent Application Publication No. 2005/0047752 to Wood et al. ("Wood"), and further in view of U.S. Patent Application Publication No. 2003/0159145 to Kaltz.

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, in view of Wood, further in view of U.S. Patent Application Publication No. 2003/0093792 to Labeeb et al. ("Labeeb"), and further in view of Kaltz.

Independent Claims 1, 18, and 25 have been amended, as indicated above, for clarification. Claims 5, 7-10 and 14-15 have been cancelled. The rejections under §101 and §103 are traversed for at least the reasons described herein.

Section 101 Rejections

Claims 13-17 and 23-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Assignee has amended paragraph [0016], as indicated above, in an effort to address the Examiner's concerns. In view of this amendment, reconsideration and withdrawal of this rejection is respectfully requested.

Section 103 Rejections

A. Claims 1-3 and 5-17

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, Wood, Labeeb, and Kaltz. Claim 1, as amended, recites a method of presenting channel content in a distributed network having a client device and a server device, the method comprising:

evaluating tagged content...;

implementing a user profile, wherein the user profile comprises a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, wherein the user selected criteria comprises at least one content rating to exclude and at least one programming type to exclude;

creating a personalized channel at the client device, wherein the personalized channel comprises tagged content from two or more predetermined channels, wherein the personalized channel is automatically created through use of the user profile... and wherein the personalized channel excludes tagged content based on the at least one programming type to exclude; and
displaying the tagged content on the personalized channel.

None of the cited references teach or suggest implementing a user profile, wherein the user profile comprises a stored data structure identifying content preferences *selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information*, wherein the user selected criteria comprises at least one content rating to exclude and at least one programming type to exclude, as recited in amended Claim 1.

The primary reference, Arai, describes a receiving apparatus comprising a program information storing section for storing program information including program name, program start time and channel discriminating information, a program information search section for searching the program information stored in the program information storing section according to designated search conditions and for producing personalized program information resulting from the search, and a program guide display section for displaying a program guide including a personal channel including the personalized program information. (Arai, col. 2, lines 12-24). Arai also describes a system capable of searching programs according to a user's preference, and producing and displaying a "my channel" consisting of programs fulfilling the search conditions (e.g., fee) given from the user. (Arai, col. 8, lines 45-49). However, Arai does not describe or suggest implementing a user profile with a data structure identifying content preferences *selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information*, as recited in Claim 1.

The secondary references, Marsh, Wood and Kaltz, fail to overcome the deficiencies of Arai. Marsh describes a media content description system receives media content descriptions from one or more metadata providers. The Marsh media content description system stores metadata related to media content (e.g., a movie, a television show, or a song). The metadata that the media content description system stores is related to the content of the media, independent of when or where the media content is available. For example, the metadata stored in the media content description system may include the name of a movie, a

list of actors in the movie, the name of the director of the movie, and one or more critic reviews of the movie. The metadata stored in the media content description system does not include television channels or times when a particular movie will be broadcast. The media content description system provides the stored metadata to content distribution systems, which provide the metadata, as well as the associated media content to users. (Marsh, para. 0033). Marsh is not concerned with media content at the user level; in fact, Marsh provides the stored metadata to third party content distribution systems who, in turn, provide the content and metadata to users. As such, Marsh does not describe or suggest a user profile that comprises a stored data structure identifying content preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information, wherein the user selected criteria comprises at least one content rating to exclude and at least one programming type to exclude, as recited in amended Claim 1.

Wood describes a video data recorder that records television programs based on user-provided criteria via a user interface. (Wood, para. 0037). The user may specify criteria for recording shows including a show title, a keyword such as actor or director name or text from a description of the show, a show class (such as action, mystery, childrens, etc.) and rating information (both parental control and quality ratings). (Wood, para. 0042). The user can also specify the priority of the show. If two shows are scheduled to be recorded at the same time, the higher priority show will take precedent. The user may specify the number of shows in a series to record (e.g., keep the most recent two shows). In addition, the user may specify whether reruns are to be recorded and whether syndicated reruns are to be recorded (e.g., record reruns, but not syndicated reruns, record all reruns, etc.). (Wood, para. 0043). Wood also describes allowing a user to specify "negative" criteria--e.g., criteria indicating that a show is not to be recorded even if it otherwise meets criteria for recording. For example, a user may specify "Ignore all Sienfield" and that particular situation comedy would not be recorded even if there is general criteria to record situation comedies. In addition, in such embodiments, the system may be configured such that shows meeting the negative criteria are not displayed when the channel guide data is displayed. (Wood, para. 0052). However, Wood fails to describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, *selected automatically based*

on user history, and updated automatically based on updated historical information, as recited in Claim 1.

Kaltz describes attribute content for content, such as television programs, that includes genre, title, actors' names, sports teams, and a plot summary. (Kaltz, para [0021]). However, Kaltz does not describe or suggest a stored data structure identifying content preferences selected manually by a user in user-assigned order, *selected automatically based on user history, and updated automatically based on updated historical information*, as recited in Claim 1.

Labeeb describes a method for displaying a TV program to a viewer, comprising receiving a plurality of TV programs, allowing the viewer to select one of the plurality of received TV programs for viewing, and responding to the viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer. (Labeeb, para. 0003). Labeeb does not describe or suggest a stored data structure identifying *content preferences selected manually by a user in user-assigned order*, selected automatically based on user history, and updated automatically based on updated historical information, as recited in Claim 1.

Independent Claim 1 is not rendered obvious by the combination of Arai, Marsh, Wood, Labeeb, and Kaltz because all of the cited references, alone or in combination, fail to teach or suggest all of the recitations of Claim 1. As such, the rejection of independent Claim 1 under 35 U.S.C. §103 is overcome. Additionally, dependent Claims 2, 3, 6 and 7-17 are patentable at least by virtue of the patentability of independent Claim 1, from which they depend and respectfully request the allowance thereof.

B. Claims 18, 20, 22-31

Claims 18, 20, 22-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arai in view of Marsh, Wood, and further in view of Kaltz. Amended Claim 18 recites a method of displaying a programming guide of channel content in a distributed network having a client device and a server device, the method comprising:

receiving content tag information prior to receiving content to which the tag is directly appended, ...;

evaluating tag information, wherein evaluating tag information comprises *implementing a user profile comprising a stored profile of preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information*, ...; and

displaying a personalized programming guide....

For at least the same reasons described above with respect to independent Claim 1, independent Claim 18, and all claims depending therefrom, are not rendered obvious by the combination of Arai, Marsh, Wood, and Kaltz.

Amended Claim 25 recites a system for displaying personalized channel information comprising:

- a receive module...;
- an analysis module that analyzes the tag information contained within the plurality of fields and modifies the display of the tag information, the analysis module being configured to implement *a user profile of preferences selected manually by a user in user-assigned order, selected automatically based on user history, and updated automatically based on updated historical information*, ...;
- a display module for displaying the modified tag information; and
- a profile interface module....

For at least the same reasons described above with respect to independent Claim 1, independent Claim 25, and all claims depending therefrom, are not rendered obvious by the combination of Arai, Marsh, Wood, and Kaltz.

Dependent Claims

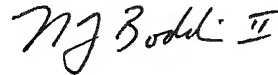
As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Assignee does not believe that it is necessary to argue the allowability of each dependent claim individually. Assignee does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Action. Assignee therefore reserves the right to address the patentability of these claims individually as necessary in the future.

In re: Matz
Serial No.: 10/726,727
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CONCLUSION

In view of the above, it is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

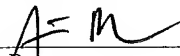


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Anthony DeRosa